IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12409 of 2004

Between:

Ch. Srinivas, S/o. Rajendram,
R/o. Seethampet Village, Hasanparthy Mandal,
Warangal District.

..... PETITIONER

AND

The Passport Officer, Regional Passport Office, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction and more particularly one in the nature of WRIT OF MANDAMUS directing the Respondent to receive fresh Passport Application from the Petitioner with new date of birth and issue a new passport in place of Passport No.E-8987788 valid for the period from 7-5-2004 to 6-5-2014 and pass such further or other orders deemed just and proper.

Counsel for the Petitioner: MR. A.CHANDRA MOULI

Counsel for the Respondent: SMT.R.RAGHAMMA (Addl. SC FOR CG)

The Court made the following at the stage of admission:

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ORAL ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

When the application of the petitioner for correction of date of birth entered in the passport is not entertained, this writ petition is filed, seeking writ of Mandamus, to direct the respondents to issue fresh passport with correct date of birth by entertaining his application as per Rule 5 of the Passport Rules,1980.

It is the case of the petitioner that he obtained passport and his date of birth was wrongly entered in the passport as 05-05-1972. It is the further case of the petitioner that his correct date of birth is 06-10-1975 and the same is evident from school records.

It is required to notice that there is no provision under the Passport Act,1967, which empowers the Regional passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, effect the

correction treating the same as a technical correction. There is no need for a declaratory order in such cases

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may affect the necessary amendment in the passport without insisting on a Court order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., School/Educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant a civil order from a competent Court of jurisdiction, certificating the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

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A.GOPAL REDDY,J

*TSNR/GHN

TO

1. The Pass Port Officer, Regional Passport Officer, Hyderabad.
2. Two C.D.Copies